

# Notice of Allowability

## Application No.

09/806,376

## Examiner

Samuel W Liu

## Applicant(s)

LEWIS ET AL.

## Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7-2-04.
2. ☒ The allowed claim(s) is/are 1-7,13,19,20 and 24.
3. ☒ The drawings filed on 29 March 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 8-10-04.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

Art Unit: 1653

### DETAILED ACTION

This Office action is in response to applicants' amendments filed 2 July 2004 which amends claims 1-2, 4-5, 7, 13 and 19, and adds claim 24. The stated amendment has been entered. Thus, the pending claims 1-24 are therefore examined in this Office action.

It is of note that the applicants submitted (July 2, 2004) certified copy of Australian Provisional Application PP6273/98 fled 2 October 2 1998 has been received and considered.

### EXAMINER'S AMENDMENT

An Examiner's Amendment to the record appears below. Should the change and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Xiaochun Zhu on behalf of Frank S. DiGiglio on August 10, 2004.

#### **Amendments to the claim:**

Claims 8-12, 14-18 and 21-23 are canceled.

Claim 1 (*currently amended*): before "action of nor-adrenaline at an  $\alpha_1$ -adrenoceptor" add "agonist"; and before "action of nor-adrenaline at other  $\alpha$ -adrenoceptors" add "agonist".

Claim 4 (*currently amended*): change "acethylcholine" to "acetylcholine".

Claim 5 (*currently amended*): before "activity for one  $\alpha_1$ -adrenoceptor" add "antagonist".

Claim 13 (*currently amended*): delete "such that the chimeric peptide possesses an activity of said other peptide or protein", and add "wherein the said chimeric peptide possesses an activity of said another biologically active peptide or protein".

Claim 19 (*currently amended*): before “action of nor-adrenaline at an  $\alpha_1$ -adrenoceptor” add “agonist”; and before “action of nor-adrenaline at other  $\alpha$ -adrenoceptors” add “agonist”.

Claim 24 (*currently amended*): before “activity for one  $\alpha_1$ -adrenoceptor subtype” add “antagonist”.

**Amendments to the specification:**

(i) Insert the following paragraph before the “Description” paragraph:

This patent application claims foreign priority benefits. Specifically, this patent application claims the benefit of the filing date under 35 U.S.C. 120 of International Application No. PCT/AU 99/00843 filed 1 October 1999, and also the benefit of the filing dates under 35 U.S.C. 119 of Australia application No. PP6273 filed 2 October 1998.

(ii) The abstract is as follows (in one paragraph):

The present invention relates to novel peptides and derivatives thereof useful as selective  $\alpha_1$ -adrenoceptor antagonists which ability of inhibiting the agonist action of agonist noradrenaline on the  $\alpha_1$ -adrenoceptor is greater than their ability of inhibiting the action of agonist noradrenaline on other  $\alpha$ -adrenoceptors. The invention also relates to pharmaceutical compositions comprising these peptides.

Please note that the current application does not contain a separate abstract.

*Conclusion:* Claims 1-7, 13, 19-20 and 24 are allowable over the art of record.

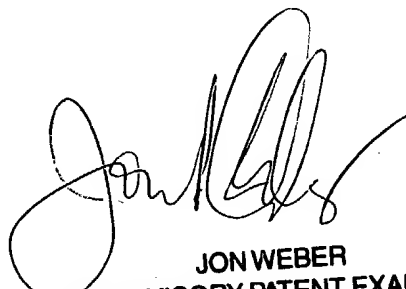
Any comments considered necessary by applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Art Unit: 1653

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samuel Wei Liu, Ph.D. whose telephone number is (571) 272-0949. The Examiner can normally be reached daily except alternate Fridays from 8:30 A.M. to 5:30 P.M. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jon Weber, can be reached at (571) 272-0925. The official fax number for Technology Center 1600 is (703) 308-4242. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.



Samuel W. Liu, Ph.D.  
Art Unit 1653, Examiner  
August 12, 2004



**JON WEBER**  
**SUPERVISORY PATENT EXAMINER**

### **Abstract**

The present invention relates to novel peptides and derivatives thereof useful as selective  $\alpha_1$ -adrenoceptor antagonists which ability of inhibiting the agonist action of agonist noradrenaline on the  $\alpha_1$ -adrenoceptor is greater than their ability of inhibiting the action of agonist noradrenaline on other  $\alpha$ -adrenoceptors. The invention also relates to pharmaceutical compositions comprising these peptides.